

Listing of Claims:

Claims 1-21 (Canceled).

22. (Previously Presented) An image acquiring device for performing time lapse imaging, comprising:

an imaging portion which performs imaging of a subject;

a time lapse imaging condition setting portion which sets a
5 time lapse imaging condition including at least an exposure time
and an imaging interval, prior to the imaging of the subject by
the imaging portion;

a determining portion which determines a contradiction of
the time lapse imaging condition set by the time lapse imaging
10 condition setting portion according to a predetermined criterion;
and

a presenting portion which presents at least information
relating to the contradiction of the time lapse imaging condition
based on a determined result determined by the determining
15 portion;

an avoiding condition generating portion which generates a
plurality of time lapse imaging conditions for avoiding the
contradiction of the time lapse imaging condition based on the
determined result determined by the determining portion, and

20 causes information relating to the plurality of time lapse
imaging conditions to be presented by the presenting portion;
a selecting portion which selects one of the plurality
of time lapse imaging conditions from the information relating to
the plurality of time lapse imaging conditions presented by the
25 presenting portion;
an instructing portion which instructs the imaging portion
to execute time lapse imaging based on the time lapse imaging
condition selected by the selecting portion;
an exposure time setting portion which sets the exposure
30 time set by the time lapse imaging condition setting portion to
the imaging portion;
a gain setting portion which enables setting of gain of an
output signal from the imaging portion; and
a brightness correcting portion which enables correction of
35 brightness of an image by correcting the output signal from the
imaging portion;
wherein the determining portion determines the contradiction
of the time lapse imaging condition by using a relation between
the exposure time and the imaging interval as the predetermined
40 criterion;
wherein, when the determining portion determines as the
contradiction that the exposure time is longer than the imaging
interval, the avoiding condition generating portion changes a set

value of the exposure time set by the exposure time setting
45 portion to be shorter than the imaging interval, and sets a value
of the gain set by the gain setting portion to a value determined
from a ratio of the exposure time after the change and the
imaging interval, and when a set gain value exceeds a maximum
gain value, sets the maximum gain value as the value of the gain
50 set by the gain setting portion and sets a value for correcting
the brightness of the image by the brightness correction part
based on a value determined from a ratio of the value of the gain
determined from the ratio and the maximum gain value.

23. (Previously Presented) The image acquiring device for
performing time lapse imaging according to claim 22, wherein the
imaging portion comprises an imaging portion of a microscopic
image acquiring device.

24. (Previously Presented) A method for an image acquiring
device, which includes an imaging portion which performs imaging
of a subject and a presenting portion, the method comprising:

5 setting a time lapse imaging condition including at least an
exposure time and an imaging interval, prior to the imaging of
the subject by the imaging portion;

determining a contradiction of the set time lapse imaging
condition according to a predetermined criterion;

presenting, via the presenting section, at least information
10 relating to the contradiction of the time lapse imaging condition
based on a result of the determination of the contradiction;

generating a plurality of time lapse imaging conditions for
avoiding the contradiction of the time lapse imaging condition
based on the result of the determination of the contradiction of
15 the time lapse imaging condition, and presenting information
relating to the plurality of time lapse imaging conditions by the
presenting portion;

selecting one of the plurality of time lapse imaging
conditions from the information relating to the plurality of time
20 lapse imaging conditions presented by the presenting portion; and

instructing the imaging portion to execute time lapse
imaging based on the selected time lapse imaging condition;

wherein the predetermined criterion according to which the
contradiction of the time lapse imaging condition is determined
25 is a relation between the exposure time and the imaging interval;

wherein the image acquiring device further comprises an
exposure time setting portion which sets the exposure time, which
is set by the setting of the time lapse imaging condition, to the
imaging portion, a gain setting portion which enables setting of
30 gain of an output signal from the imaging portion, and a
brightness correcting portion which enables correction of

brightness of an image by correcting the output signal from the imaging portion; and

35 wherein, when the exposure time is determined to be longer than the imaging interval as the contradiction, the generating the plurality of time lapse imaging conditions changes a value of the exposure time set by the exposure time setting portion to be shorter than the imaging interval, and sets a value of the gain set by the gain setting portion to a value determined from a
40 ratio of the exposure time after the change and the imaging interval, and when a set gain value exceeds a maximum gain value, sets the maximum gain value as the gain value and sets a value for correcting the brightness of the image by the brightness correcting portion based on a value determined from a ratio of
45 the value of the gain determined from the ratio and the maximum gain value.

25. (Previously Presented) The method according to claim 24, wherein the imaging portion comprises an imaging portion of a microscopic image acquiring device for fluorescence photography.

26. (Previously Presented) An image acquiring device for performing time lapse imaging, comprising:

imaging means for performing imaging of a subject;

time lapse imaging condition setting means for setting a
5 time lapse imaging condition including at least an exposure time
and an imaging interval, prior to the imaging of the subject by
the imaging means;

determining means for determining a contradiction of the
time lapse imaging condition set by the time lapse imaging
10 condition setting means according to a predetermined criterion;

presenting means for presenting at least information
relating to the contradiction of the time lapse imaging condition
based on a determined result determined by the determining means;

avoiding condition generating means for generating a
15 plurality of time lapse imaging conditions for avoiding the
contradiction of the time lapse imaging condition based on the
determined result determined by the determining means, and
causing information relating to the plurality of time lapse
imaging conditions to be presented by the presenting means;

20 selecting means for selecting one of the plurality of time
lapse imaging conditions from the information relating to the
plurality of time lapse imaging conditions presented by the
presenting means;

instructing means for instructing the imaging means to
25 execute time lapse imaging based on the time lapse imaging
condition selected by the selecting means;

exposure time setting means for setting the exposure time set by the time lapse imaging condition setting means to the imaging means;

30 gain setting means for enabling setting of gain of an output signal from the imaging means; and

 brightness correcting means for enabling correction of brightness of the image by correcting the output signal from the imaging means;

35 wherein the determining means determines the contradiction of the time lapse imaging condition by using a relation between the exposure time and the imaging interval as the predetermined criterion; and

 wherein, when the determining means determines the
40 contradiction of the time lapse imaging condition in which the exposure time is longer than the imaging interval, the avoiding condition generating means changes a set value of the exposure time set by the exposure time setting means to be shorter than the imaging interval, and sets a value of the gain set by the
45 gain setting means to the value determined from a ratio of the exposure time after the change and the imaging interval, and when a set gain value exceeds a maximum gain value, sets the maximum gain value as the value of the gain set by the gain setting means and sets a value for correcting the brightness of the image by
50 the brightness correction means based on the value determined

from a ratio of the value of the gain determined from the ratio and the maximum gain value.

27. (Previously Presented) The image acquiring device for performing time lapse imaging according to claim 26, wherein the imaging means comprises imaging means of a microscopic image acquiring device.

Claim 28 (Canceled).